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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,702	06/19/2001	Muhammad A. Hawwa	PA1901US	4047

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EXAMINER

KIANNI, KAVEH C

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,702

Applicant(s)

HAWWA, MUHAMMAD A.

Examiner

Kevin C Kianni

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 1-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-61 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 12, 32 and 1, drawn to an emitter port defining a first line within a plane and fixed proximate to the optical switching component such that the first line intersects the top surface at about a center thereof to define an angle of incidence between the first line and the top surface; a receiver port defining a second line within the plane and fixed proximate to the optical switching component, classified in class 385, subclass 15 and/or 16.
 - II. Claims 22 and 1, drawn to a plurality of emitter ports, each emitter port being associated with one of the plurality of optical switching components, each emitter port defining a first line within a plane and fixed proximate to its associated optical switching component such that the first line intersects the top surface at about a center thereof to define an angle of incidence between the first line and the top surface; at least one receiver port associated with each optical switching component, each receiver port defining a second line within the plane and fixed proximate to its associated optical switching component, classified in class 385, subclass 17.

Art Unit: 2877

- III. Claim 42, drawn to means for pivotally supporting a rotor including a top surface within a stator; a first piezoelectric actuator connected to the stator and the rotor and configured to pivot the rotor relative to the stator when actuated, classified in class 359, subclass 824.
- IV. Claim 53, drawn to substrate; forming a stator by defining a cavity within the substrate; forming a mask layer over the stator and filling the cavity; forming an opening in the mask layer; forming within the opening a rotor and a pivotal connection to the stator; removing the mask layer; and forming a piezoelectric actuator between the stator and the rotor, classified in class 385, subclass 129.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Group I claims 1 and 22, Group II claims 1, 12 and 32, Group III claim 42, and Group IV claim 53 are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Group I invention can be made using by another different process such as molding instead of masking.
- 3. Because these inventions are distinct for the reasons given above and the search required for Groups I is not required for Group IV, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C Kianni whose telephone number is (703) 308-1216. The examiner can normally be reached on 9:30-18.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5401 for regular communications and (703) 308-5401 for After Final communications.

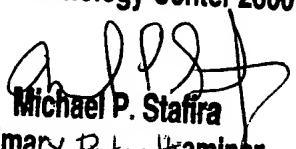
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4770.

Kevin C Kianni
Examiner: Kianni
Art Unit 2877

Kevin Cyrus Kianni
Patent Examiner
Group Art Unit 2877

ff Frank Font
Supervisory Patent Examiner
Group Art Unit 2877

January 6, 2003

Michael P. Stafira
Examiner
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Michael P. Stafira
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